

REMARKS

This responds to the Office Action mailed on May 17, 2007.

Claims 7 is amended, claims 1-6 and 9-30 are canceled, without prejudice to the Applicant; claims 31-38 are added as dependents from now independent claim 7; as a result, claims 7-8 and 31-38 are now pending in this application.

§102 Rejection of the Claims

Claim 1 was rejected under 35 U.S.C. § 102(a) for anticipation by Adams (U.S. 6,718,470). This rejection is now moot in view of claim 1 being cancelled by the Applicant. Applicant reserves the right to file subsequent continuations on the claimed subject matter associated with claim 1.

Claims 1-4, 6 and 9-30 were rejected under 35 U.S.C. § 102(e) for anticipation by Wood et al. (U.S. Publication No. 2004/0210771), hereinafter “Wood”. These rejections are now moot in view of claims 1-4, 6 and 9-30 being cancelled by the Applicant. Applicant reserves the right to file subsequent continuations on the claimed subject matters associated with claims 1-4, 6 and 9-30.

§103 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Bricknell et al. (U.S. Publication No. 2003/0061144), hereinafter “Bricknell”. This rejection is now moot in view of claim 5 being cancelled by the Applicant. Applicant reserves the right to file subsequent continuations on the claimed subject matter associated with claim 5.

Allowable Subject Matter

Claims 7 and 8 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 7 by putting them in independent format. Claim 8 still depends from claim 7 and since claim 7 is now in independent format there is no change need to claim 8 to make it allowable in its original format.

Additionally, some dependent claims (newly added claims 31-38) were added as well, which should be allowable in view of claims 7 and 8 being allowed.

Applicant also notes that the Examiner had indicated claim 15 to be allowable but then raised a specific rejection on claim 15 in the action. To avoid any confusion, Applicant has not kept claim 15 as it has been cancelled, without prejudice to the Applicant. Applicant believes claims 7 and 8 and the dependents added thereafter are all now in condition for allowance and that the only claims that remain in this action are allowable claims.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 07/06/07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6 day of July 2007.

Name Peter Pabst

Signature Peter Pabst